Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of:	)
	)
Technical Advisory Committee (TAC)	) ET Docket No. 13-101
White Paper and Recommendations	)
for Improving Receiver Performance	)

To the Commission:

REPLY COMMENTS OF JAMES EDWIN WHEDBEE TO JULIAN GEHMAN

COMES NOW the undersigned, James Edwin Whedbee, and who pursuant to Sections 1.415 and 1.419 of the Commission's rules replies to the comments of Julian Gehman as follows.

A. Predicates for Regulating Receiver Performance

1. STATUTORY BASIS ISSUE: I agree with Julian Gehman's 6/24/'13 Comments in the above-captioned proceedings ("Gehman Comments") wherein is stated: "*However, authority is murky for the second part of the TAC White Paper's recommendation – imposition of mandatory receiver performance standards. These Comments take no position on whether the grants of authority of Section 302a and 303(s) of the Communications Act8 constituted new grants of authority because the Commission previously lacked authority over radio receivers and still lacks authority over receivers not covered in these sections.*" Where I might take umbrage with this observation is this: receivers necessarily include antennas. The entirety of USC, Title 47 contains numerous references to antennas, and that's perhaps the most efficacious manner with which to tackle the issues posed in the TAC White Paper.

2. I.T.U. RADIO RULES INTERPRETATION: The Gehman Comments

refer to ITU Radio Rules and regulations and NTIA's application of those to receiver performance standards. Because ITU Radio Rules and Regulations are international obligations binding upon the United States of America, it is my sense that those would give the FCC ample predicate to regulate receiver performance, regardless of the apparent limitations of 47 U.S.C. 302a and 303(s). Inasmuch as a plain reading of Sections 302a and 303(s) give the FCC authority to regulate those receivers, I believe the Commission should. With regard to radio services outside broadcast television and cellular telephone (CMRS), I believe the ITU Radio Rules and Regulations give the Commission this authority. Certainly, few if any courts will second-guess a blending of these statutes by the Commission utilizing its authority under 47 USC Section 154 to interpret the technical ins-and-outs of the TAC White Paper and subsequently adopted rules and regulations.

B. Predicates for Antenna Regulation as a Basis for Receiver Upgrades

3. SECTION 303(a), (b), (c): To 'get around' the "murky" problems the Gehman Comments pose, there is no reason the Commission could not classify radio stations as 'radio receivers' as do some nations who still license short-wave listeners, prescribe the nature of 'radio receiver' stations to be simply that (as is customary to receive radio signals using electronic reception apparatus and associated antenna and transmission lines), and assign to the 'radio receiver' stations the band 9 kHz to 1,000 GHz. Radio receiver stations do not require licensing, by rule or by station, because the licensing aspects of Title 47 apply only to transmitters not exempt from licensing; accordingly, the mere creation of radio receiver stations (presumably within Part 2 of Title 47, C.F.R.) would adequately give the Commission oversight over receivers.

4. SECTION 207 OF THE TELECOMMUNICATIONS ACT OF 1996, 47 U.S.C. § 605, AND NUMEROUS REFERENCES TO "ANTENNA" TO

ENABLING STATUTES: Section 207 of the Telecommunications Act of 1996 gives the Commission clear statutory authority over antennas. Statute at 47 U.S.C. § 605 clearly prohibits the reception of unauthorized transmissions (such as would be the case with and the result of interference). Other numerous references to "antenna" in Title 47 of the United States Code seem to give the Commission ample statutory predicates to begin regulating receiver performance at the antenna.

5. COST-EFFECTIVE AND EFFICIENT RECEIVER IMPROVEMENT: Unlike direct regulation of receivers which might require, as paragraph 3 above indicates, the creation of a radio receiver station (with associated regulations), beginning to regulate radio receivers at the point in which the emissions enter the receiver, the antenna, has the unanticipated but predictable consequence of being the most cost-effective and speedy manner with which to implement the TAC White Paper.

C. Consumer Technical Expertise

6. CONSUMER DATA DASHBOARDS ON RECEIVERS: The Gehman Comments state: "*A receiver dashboard is an excellent idea, particularly for uncoupled devices. In addition to informing developers, a properly structured receiver dashboard would also inform consumers. A receiver dashboard is an excellent idea, particularly for uncoupled devices. In addition to informing developers, a properly structured receiver dashboard would also inform consumers.*" To the extent the Gehman Comments refer to consumers who are technical experts in RF link engineering, I have no quarrel with this comment. Ordinary consumers buying consumer products which happen to contain receivers are another matter entirely. Most consumers have no earthly clue what the difference is between a receiver with -110 dBm sensitivity and -90 dBm sensitivity, much less the refinements of out-of-band signal rejection, passband

filtration, and the like. If we're attempting to adopt a data dashboard for ordinary citizens, I suggest we're wasting our time and very little demand will be generated from it.

D. The Remainder of the Gehman Comments

7. REMAINING REPLY COMMENTS: The remainder of the Gehman Comments speak for themselves and invite no further reply comments from the undersigned.

Respectfully Submitted:

June 27, 2013

/s./ James Edwin Whedbee

James Edwin Whedbee, M.Ed., M.P.A.
5816 NE Buttonwood Tree Lane
Gladstone, MO 64119-2236
816.694.5913
jamesewhedbee@yahoo.com